

Status of this application

Claims 1-20 were pending in this application, claims 1 and 14 being independent claims. In the outstanding Office Action, claims 1-4, 6, 9 and 14-20 were rejected under 35 U.S.C. §102 as being anticipated by Krupa, U.S. Patent Application Publication No. 2002/0156811 (hereinafter "Krupa"). Claims 5, 7 and 10 were rejected under 35 U.S.C. §103(a) as being directed to subject matter deemed to be obvious in view of Krupa when considered with Lee et al., U.S. Patent Application Publication No. 2002/0169788 (hereinafter "Lee"). Claim 8 was rejected as being directed to subject matter deemed to be obvious in view of Krupa in view of Harless, U.S. Patent Application Publication No. 2003/0005410 (hereinafter "Harless").

This response cancels claims 14-20 without prejudice to expedite the prosecution of this application.

The cited Krupa Published Application is not Prior Art

The Examiner has relied upon the teaching contained in the published Krupa application 2002/0156811. It is noted, however, that the cited Krupa published application was filed on May 23, 2001, nearly one year after the May 31, 2000 filing date of applicants' application. It is submitted therefore, that the Krupa published application is not itself prior art. While the Krupa published application states at [0001] that it is a "continuation in part" of the previously filed Krupa Provisional Application Serial No. 60/206,325 filed on May 23, 2000, a copy of which was provided by the Examiner, the Examiner has not relied upon or cited the provisional disclosure, which is significantly different in material ways from the cited Krupa published application.

Specifically, the Examiner has cited the following numbered paragraphs of the later Krupa published application in support of the outstanding rejection: paragraphs [0014], [0024], [0026-0029], [0037-0110], [0113] and [0124]. A comparison of the disclosure found in those paragraphs with the disclosure of the Krupa provisional reveals that none of these paragraphs are found in the earlier disclosure. It is thus respectfully submitted that, since these cited passages are not found in the earlier Krupa provisional application, they are not "prior art" with respect to applicants earlier filed application and

the rejections based on these passages, or on the Krupa published application in general, is improper. The rejection of claim 1-20 based on the Krupa published application should accordingly be withdrawn and any future rejection, if any, should be based upon and reference the very different disclosure found in the earlier Krupa provisional.

Should the Examiner choose to advance a future rejection based on the disclosure found in the Krupa provisional, applicants reserve the right to submit a declaration under Rule 131 to establish their actual invention date is prior to the May 21, 2000 filing date of the Krupa provisional (only eight days before applicants' filed the present application on May 31, 2000).

Neither the Krupa published application nor the Krupa Provisional Application disclose applicant's invention as now claimed.

In addition to the fact that the Krupa published application is not prior art, neither that published application nor the prior Krupa provisional discloses the subject matter now claimed by applicants for the reasons given below.

Applicants' invention as claimed in independent claim 1 and its dependent claims 2-13 and in claims 19 and 20 preserves the hierarchical structure of an XML document by first parsing the document to identify data values, removing at least some of these data values from the XML document and storing the remainder of the XML document in the relational database as an XML skeleton which defines the structure of the document, and thereafter reconstructing the document by merging data from the relational database back into with the stored XML skeleton.

Krupa does not disclose or suggest such an arrangement. The cited passage at [0024] refers to Fig.1 which illustrates the hierarchical structure of an XML document and says that it can be represented as an in-memory tree. In the next paragraph at [0025] Krupa goes on to explain that such an in-memory tree can be programmatically traversed using a conventional DOM or JDOM (Document Object Model) implementation of an in memory tree. This DOM in-memory model is not a relational database, does not involve removing data from an XML document to form a skeleton, does not use a relational database, and does not store either data or a skeleton in a relational database.

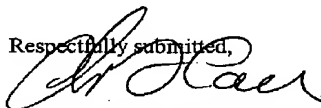
The Examiner also cites paragraph [0124] which discusses how Krupa's method handles empty data elements by creating a row in a relational table row with a null data name, a null data value, and a special data type which identifies the row as representing an empty element. However, there is nothing in this passage or any other teaching in the Krupa references that suggests removing data values for a source XML document and storing the remainder of the document as an XML skeleton, and then reinserting data from the database into the XML skeleton to reconstruct the XML document.

For the reasons set forth above, Krupa does not disclose or suggest the subject matter set forth in independent claim 1 and its dependent claims 2-13. The supporting references, Lee and Harless, cited by the Examiner in support of the obviousness rejection of dependent claims 5, 7, 8 and 10 likewise do not disclose or suggest the creation and storage of a skeleton document formed by removing selected data elements from an original document and storing that skeleton document in a relational database as claimed.

Conclusion

The cited passages of the Krupa published application are not prior art because was filed too late and because these passages are not found in the prior Krupa provisional. Moreover, the cited passages, and nothing else in the prior art cited by the Examiner, including the provided but uncited Krupa provisional application, whether considered singly or in combination, fails to disclose of suggest the subject matter set forth in claims 1-13. Allowance of these claims is accordingly requested.

Respectfully submitted,



Charles G. Call, Reg. 20,406

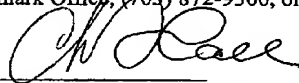
Dated: December 8, 2004

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I hereby certify that this *Amendment* is being transmitted by facsimile to the central facsimile number of the U.S. Patent and Trademark Office, (703) 872-9306, on December 8, 2004.

Dated: December 8, 2004

Signature



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